

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

KEVIN REAVES,)	
)	
Plaintiff,)	
)	
v.)	No. 1:19-cv-00151-JPH-DLP
)	
WEXFORD MEDICAL SERVICES, <i>et al.</i>)	
)	
Defendants.)	

**ORDER DENYING MOTION TO SHOW GOOD CAUSE FOR PHYSICAL
EXAMINATION**

Plaintiff Kevin Reaves renews his motion for a physical examination by an outside provider. He contends that such an examination is necessary because the average person does not understand his health conditions, which include albinism and diabetes. Mr. Reaves’s motion is understood to be brought pursuant to Rule 35 of the Federal Rules of Civil Procedure. As the Court has explained, Rule 35(a) provides that the “court . . . may order a party whose mental or physical condition . . . is in controversy to submit to a physical or mental examination.” The Rule also requires, among other things, that the party’s physical condition be “in controversy” and that the order directing the examination be made only on a showing of “good cause” and after notice to all parties. Dkt. 86.

Rule 35 is most typically used by the defendant to require a plaintiff to “submit” to an examination. *Cf. Reyes v. Dart*, 801 F.3d 879, 881 (7th Cir. 2015). The Rule is not an alternative means for a plaintiff to obtain an expert. Moreover, to the extent that Mr. Reaves contends that his conditions are difficult to understand, he had demonstrated his ability to identify his symptoms and describe them to the Court. He has therefore failed to show that an examination by an outside provider is necessary at this time. Accordingly, the motion to show good cause for physical examination, dkt. [171], is **DENIED**.

SO ORDERED.

Date: 5/15/2020

Distribution:

KEVIN REAVES
161700
BRANCHVILLE - CF
BRANCHVILLE CORRECTIONAL FACILITY
Electronic Service Participant – Court Only

All Electronically Registered Counsel



James Patrick Hanlon
United States District Judge
Southern District of Indiana